

**RESOLUTION 2022-058 OF THE TOWNSHIP OF ALEXANDRIA, COUNTY OF HUNTERDON, STATE
OF NEW JERSEY PROHIBITING MEDICAL CANNABIS GROWING AND PROCESSES**

WHEREAS, in response to a request made by Altus New Jersey, LLC (“Altus”) in relation to a proposed Alternate Treatment Center Facility “ATC” for the cultivation and manufacturing of medical cannabis in the Township, the Township Committee adopted Resolution 2021-117 directing the Township's Land Use Board to study and move forward with the preparation and recommendations regarding suitable land use ordinances to regulate cannabis uses and facilities within the Township of Alexandria; and

WHEREAS, Resolution 2021-117 stated that the Township Committee's support for the proposed ATC was specifically conditioned upon the Township's adoption of appropriate zoning and land use ordinances permitting the proposed use and development standards for cannabis cultivation and manufacturing facilities, and that the Township Committee did not support such a development prior to the adoption of zoning and land use/site standards ordinances permitting cannabis cultivation and manufacturing facilities within the Township, thus indicating that Altus, LLC might be at risk if it proceeded without such zoning in place; and

WHEREAS, at the same Township Committee meeting, Altus' representatives were advised that, as of January 1, 2022, the governing body was changing from a three-person Committee to a five person Committee and that sentiment with respect to supporting its facilities and pursuing zoning permitting the intended ATC might change with the additional members; and

WHEREAS, the Land Use Board of the Township, pursuant to the direction of the governing body, enlisted the assistance of its planning and engineering professionals, and reviewed a memorandum dated January 17, 2022 from its Planner David Banisch who studied the Township's land use ordinances and master plan, specifically, the various zoning districts within the Township. This report was reviewed at a joint public meeting of the Land Use Board and the Township Committee on January 20, 2022. Notably, the report stated that the one district the Land Use Board had previously identified in the Township for possible cannabis use (the Industrial Commercial- IC Zone), had in fact been zoned to provide for affordable inclusionary housing development of up to 111 affordable units and was a significant part of the Township's Court-approved affordable housing plan for the Township's third-round fair share plan and the Zone could not be amended without further Court approval. The IC zone was chosen for inclusionary development because of the availability of centralized wastewater collection and disposal facilities in the two adjoining municipalities of Frenchtown and Milford; such utilities are not otherwise available in Alexandria Township. Further, much of the remainder of the land in the IC Zone has been identified by NJ DEP as being within a flood zone, thus making it unsuitable for use; and

WHEREAS, As a result of reviewing the Planner's report and further discussion of the other elements contained within it, including a range of considerations associated with cannabis use for which no information was available and potentially undesirable impacts on land use such as traffic, water, and energy consumption, wastewater requirements, odor, security, light and the nature, type and storage of manufacturing chemicals and compounds, the Land Use Board determined at the January 20, 2022 meeting that there was no zoning district in the Township where it would be within the public interest to locate a cannabis cultivation or manufacturing facility, alternative treatment center and facilities in the Township, and that any and all such uses should be prohibited within the Township. It then unanimously voted to recommend to the Township that any and all necessary action be taken to formally and specifically prohibit cannabis in all zones within the Township, including alternative treatment centers and facilities; as well as the growing, cultivation, manufacturing, sale and resale of medicinal cannabis; and to further prohibit uses permitted by all classes of recreational cannabis licenses as outlined by the Board Planner in his memorandum of January 17, 2022. Confirmation of such action was set forth in a letter from the Land Use Board attorney to the Township Committee dated January 23, 2022; and

WHEREAS, after considering the discussion of the Land Use Board regarding ordinance proposals permitting and regulating cannabis at a joint meeting of the Land Use Board and Township Committee held on January 20, 2022 and the overwhelming public sentiment against it, as evidenced by the statements of numerous residents at the Township Committee meeting and Land Use Board meetings, the Township Committee voted to accept the recommendations of the Planning Board that neither medical nor adult use cannabis businesses including the growing, cultivation, manufacturing, sale and resale of medicinal or adult use cannabis should be permitted by the Township's ordinances, and to prohibit the uses permitted by all classes of recreational cannabis licenses identified in the memorandum of the Board's Planner dated January 17, 2022; and

WHEREAS, the Township previously adopted two opt-out ordinances with respect to cannabis businesses and licensing on July 14, 2021; and

WHEREAS, the Township's Land Use Ordinance, Section 115-19B, currently provides that all uses not expressly permitted in a zone district are prohibited; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Alexandria, in the County of Hunterdon and State of New Jersey on this 9th day of February 2022 as follows:

1. The preambles recited above are incorporated herewith as if fully set forth herein.
2. The Township accepts the recommendations of the Land Use Board to take any and all necessary action to formally and specifically prohibit cannabis in all zones within the Township, including alternative treatment centers and facilities, the growing, cultivation, manufacturing, sale and resale of medicinal cannabis; and to further prohibit the uses permitted by all classes of recreational cannabis

licenses as outlined by the Board Planner in his memorandum of January 17, 2022, a copy of which shall be appended hereto and made a part of this resolution, together with the recommendation of the Land Use Board as outlined in the letter of its attorney dated January 23, 2022.

3. The Township Committee believes that medical cannabis cultivation and manufacturing uses fall within the classification of uses which are not expressly permitted and thus are prohibited by Section 115-19B of the existing land use ordinance the Township of Alexandria .

4. Based on the recommendations of its Planning Board set forth above, the Township Committee hereby rescinds all prior resolutions adopted by previous Township Committees of the Township of Alexandria and/or letters issued by the Mayor on its behalf, expressing support for the location of medical cannabis cultivation and manufacturing businesses within the Township of Alexandria, including alternative treatment centers such as the one proposed Altus, LLC, and any other proposed cannabis businesses permitted under the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act, N.J.S.A. 24:6I-32, et seq. ("CREAMMA"), New Jersey Jake Honig Compassionate Use Medical Cannabis Act (N.J.S.A. 24:6I-1, et seq. ("Honig Act"), or similar laws or regulations.

5. Nothing in this resolution is intended to prohibit the delivery within the Township of medical and/or adult use cannabis, cannabis items and related supplies by cannabis delivery services located outside the Township as is permitted by State law.

6. The Mayor, Deputy Mayor, Township Administrator/Clerk and Township Attorney, as applicable, are authorized to take any and all action necessary to necessary to effectuate the purposes of this Resolution, including providing a copy of this resolution to the appropriate agencies of the State of New Jersey in charge of regulating medical and adult use cannabis licensing.

7. This Resolution shall take effect immediately.

ATTEST: February 9, 2022



Michele Bobrowski, MMC/RMC , Township Clerk



Gabriel Plumer, Mayor

I, Michele Bobrowski, Township Clerk of the Township of Alexandria, County of Hunterdon, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on February 9, 2022.

Michele Bobrowski, MMC/RMC, Township Clerk